IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE SECOND DAY OF JULY,
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 11128 of 2004

Between:

Dalli Kanakamma, W/o Late Appanna,
Pocharam Village, Kunavaram mandal, Khammam District.

..... PETITIONER

AND

1 The Commissioner for Appeals, Andhra Pradesh, Hyderabad
2 The Mandal Revenue Officer, Kunavaram Mandal, Khammam District.
3 Somina Lakshmaiah, S/o Ramachandraiah,
R/o Pocharam village, Kunavaram Mandal, Khammam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of Mandamus or any other appropriate writ , order or direction declaring the action of the respondents in interfering with my possession and enjoyment and taking steps to dispossess me from the land to an extent of Ac. 5-08 cents in old survey No. 78, R.S.No. 114/2 Pocharam village in Kunavaram Mandal, Khammam district as illegal arbitrary and violative of Art. 14, 19 and 300 (A) of Constitution of India

For the Petitioner:MR.K.MANIKYALA RAO -ADVOCATE

For the Respondent Nos 1 and 2 : GP FOR REVENUE

For the Respondent No. 3 : ---

The Court at the stage of admission made the Following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 11128 OF 2004

ORDER:

The present writ petition is filed questioning the action of the respondents in interfering with the possession and enjoyment of the petitioner and in trying to dispossess him illegally from the land to an extent of Ac.5-08 cents in Old survey No.78 R.S.No.114/2, Pocharam village, Kunavaram Mandal, Khammam district.

The petitioner claims to be owner and possessor of the subject land and states that a ryotwari patta was granted in him vide proceedings dated 22-7-1980 in Case No.2065 of 1977. Questioning the said proceedings dated 22-7-1980, the third respondent filed an appeal in A.P.No.94 of 1983 before the Director of Settlement, Hyderabad on the ground that the sale transaction of the petitioner is in between a tribal and non-tribal and is hit by Regulation 1 of 1959. The said appeal was allowed by order dated 21-11-2001 in A.P.No.94/83/G1. Questioning the said order, the petitioner herein filed a Second Appeal before the Commissioner for Appeals and that the said Second Appeal was admitted and posted for hearing on 18-6-2004. Again on 18-6-2004, the matter was adjourned to 27-9-2004. The grievance of the petitioner is that pending Second Appeal, the respondents 2 and 3 are trying to dispossess the petitioner illegally. Hence, the writ petition.

Learned counsel for petitioner submitted that the sale transaction entered by the petitioner is a valid one and the appeal filed by the petitioner was allowed without considering the fact that "Nayakulu" community is not equal to "Nayaka" community. It is further stated that the Second Appeal filed

by the petitioner is admitted and pending consideration of the same, the respondents 2 and 3 are illegally trying to dispossess the petitioner.

Learned Government Pleader for Revenue submitted that since the petitioner has filed a Second Appeal questioning the orders dated 21-11-2001 and the same is pending consideration, if the petitioner is aggrieved by the action of the respondents 2 and 3 or any third parties, he has to file appropriate application seeking interim direction petition in the pending Second Appeal before the Commissioner of Appeals.

In the circumstances, I see no reason to interfere in the matter. However, the petitioner is at liberty to move appropriate application seeking interim directions before the first respondent and on filing any such application, the first respondent is directed to consider the same on its merits and pass appropriate orders in accordance with law.

Subject to above observation, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

2ND JULY,2004

TVK/MDAA

To

1 The Commissioner for Appeals, Andhra Pradesh, Hyderabad
2 The Mandal Revenue Officer, Kunavaram Mandal, Khammam District.
3 Somina Lakshmaiah, S/o Ramachandraiah,
R/o Pocharam village, Kunavaram Mandal, Khammam District.
4...2CCs to G.P. For Revenue, High Court of A.P., Hyderabad
5 .2CD copies

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